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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/505,286	08/19/2004	Christian Brugger	AT02 0010 US	5181
24738	7590	07/11/2008		
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FOURSON III, GEORGE R				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/505,286

Applicant(s)

BRUGGER ET AL.

Examiner

George Fourson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4, 5 and 7-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5, 8-16 and 19-21 is/are rejected.
- 7) ☐ Claim(s) 7, 17 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

The finality of the office action mailed 10/18/07 is withdrawn to further clarify the rejections of record and because the limitation of claims 5 and 19-21 related to the orientation of the IC chip on the intermediate product was not addressed. Also, applicant's arguments in the appeal brief filed 3/18/08 are directed to figure 5 of Brady et al 2002/0003496 while the rejection is based on Brady et al 6140146.

Claims 1,2,4,8-11 and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Brady et al 6140146, of record.

Brady et al discloses forming transponders by a method which allows having antenna lengths greater than the workable width of the tape 310 since the antenna is oriented along the length of the tape 310 and not along it's width (col.4, lines 62-66). The method allows multiple transponders to be more efficiently arranged on the tape (col.5, lines 1-5).

Brady et al discloses providing transmission element strips (antenna pattern) 318 on a tape-like carrier (tape) 310. Element strips 318 are patterned to form antenna elements 112,330,334,336,338 (figures 3A,3C,3D,3E,3F,3G). The antenna pattern has a longest dimension extending parallel to the tape length as shown in figure 3E for example (336). The method includes bringing two contacts on each IC 320 into electrical communication with corresponding transmission strips and cutting the tape to separate each IC 320 from an adjacent IC 320 and to separate the strips into planar transmission elements (col.3, lines 30-40, col.4, lines 23-39, col.4, line 62-col.5, line 7, col.5, line 48-65, col.6, line 66- col.7, line 64, fig.3E and fig.4A-5B). Element strips 318

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are patterned to form antenna elements 112,330,334,336,338 (figures 3A,3C,3D,3E,3F, 3G,4A,4B,5A and 5B).

Singulation of the transponders from the roll at the locations defining the length L_r or L_s in figure 4A, for example, is disclosed (col.4, line 55-61). By cutting at the disclosed locations transmission elements of different transponders are separated as recited in claims 9 (which depends on claim 8) and 10.

The disclosed flip chip attaching of the IC chip to the tape (col.4, line 45) is encompassed by "gluing" which is defined as "to cause to stick tightly with or as if with glue" (<http://mw1.merriam-webster.com/dictionary>, 10/12/2007).

Claims 5,12 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brady et al '146 as applied to claims 1,2,4,8-11 and 13-16 above, and further in view of the following argument.

Brady et al does not disclose placing the contacts at corners of the IC or along different edges.

One of ordinary skill in the art would have been led to the recited placement of the contacts depending on desired circuit layout on the IC chip. In view of the purpose of the contacts being merely to form the necessary electrical connection between the IC and ends of the antenna elements one of ordinary skill in the art would have expected placement of the contacts at various positions on the chip, including the recited positions, to be effective in communicating with the antenna elements. Furthermore,

the recited placement merely amounts to a difference in shape of the contacts relative to the chip surface or size of the spacing between contacts.

One of ordinary skill in the art would have been led to the recited dimensions through routine experimentation and optimization. Applicant has not disclosed that the dimensions are for a particular unobvious purpose, produce an unexpected result, or are otherwise critical, and it appears prima facie that the process would possess utility using another dimension. Indeed, it has been held that mere dimensional limitations are prima facie obvious absent a disclosure that the limitations are for a particular unobvious purpose, produce an unexpected result, or are otherwise critical. See, for example, *In re Rose*, 220 F.2d 459, 105 USPQ 237 (CCPA 1955); *In re Rinehart*, 531 F.2d 1048, 189 USPQ 143 (CCPA 1976); *Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232 (1984); *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). See also MPEP 2144.04(IV)(B).

With respect to claims 5 and 19-21, one of ordinary skill in the art would have been led to the recited placement of the IC chips on the tape 310 depending on desired antenna layout on the tape and desired contact location placement on the chip as addressed above. In view of the purpose of the contacts being merely to form the necessary electrical connection between the IC and ends of the antenna elements one of ordinary skill in the art would have expected placement of the chip in various orientations on the tape, including the recited orientations, to be effective in communicating with the IC contacts.

Claims 7,17 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant argues that "glued joint" requires glue. However, it is likewise evident that a glued joint is formed by gluing. The scope of "gluing" has been previously stated to include the flip chip attaching of Brady et al because the end product is stuck as if by gluing, i.e. attached. There is no basis on which to determine what material is required to be present as a "glue" in view of the definition of "gluing" provided above. Furthermore, in the flip chip bonding method there are necessarily materials at the interface providing the adhesion, which materials are encompassed by "glue".

Applicant's arguments related to the direction of the antenna elements is addressed in the statement of the rejection above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Fourson whose telephone number is (571) 272-1860. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Smith, can be reached on (571) 272-1907. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/George Fourson/
Primary Examiner, Art Unit 2823

GFourson
July 10, 2008